

July 1, 2002

Dr. D. Kent King
Commissioner of Education
Missouri Department of Elementary
& Secondary Education
205 Jefferson Street, 6th Floor
Jefferson City, Missouri 65102

Dear Dr. King:

This is to inform you that we have conditionally approved Missouri's Eligibility Document Submission for Federal Fiscal Year (FFY) 2002 under Part B of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for a conditional approval is based on our receipt of the following documents submitted by Missouri to the Office of Special Education Programs (OSEP):

1. The Part B Eligibility Document Submission for FFY 2002 including the Eligibility Documents submitted April 13, 2000, subsequent revisions to those Eligibility Documents and the Submission Statement submitted May 23, 2002; and
2. The July 1, 2002 letter from Missouri to OSEP, in which Missouri assures that:
 - a. As soon as possible, but no later than July 1, 2003, the State will make all of the changes to its statutes, regulations, policies and procedures, as specified in the memorandum from Angela McCaskill to Melodie Friedebach and attached issues chart, dated June 28, 2002, that are necessary to make them consistent with following requirements of IDEA and its implementing regulations in 34 CFR Part 300, and will provide the Secretary with a copy of the revised documents showing those changes: 34 CFR §§300.121(c) and (d), 300.541(a), 300.502(b), 300.512(a) and (b), 300.517, 300.521(d), 300.522(b), and 300.550;
 - b. As soon as possible, but no later than June 30, 2003, the State will either revise or delete its 30-day limit for appealing due process hearing decisions to state court as set forth in OSEP's June 25, 2002 letter to the State and revise its reference to Missouri's APA, RSMo. 536, at page 54 of its State regulations, to ensure that, to the extent that specific Missouri APA provisions conflict with the IDEA judicial review requirements at §300.512(b), the IDEA judicial review provisions (already added by Missouri) and not Missouri's APA are controlling;

In the July 1, 2002 letter, Missouri also assures that it will take steps to ensure that, throughout the period of this grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B. Missouri further assures that it will provide OSEP with a copy of a memorandum notifying all public agencies of the changes that impact on public agencies' provision of special education and related services that OSEP requires as a result of its review of the State's eligibility documents, and of the notice that it provides parents of the changes that OSEP requires as listed in b. above.

Please note that as part of your Eligibility Document Submission for FFY 2002, your State has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. Any changes made by the State, after OSEP approval, to information that is a part of a State's eligibility documentation, must meet the public participation requirements of the IDEA and must be approved by OSEP before implementation.

I would like to remind you of the post-approval notification provision in 34 CFR §300.284, which requires your Department to "give notice in newspapers or other media, or both, that the policies and procedures are approved. The notice must name places throughout the State where the policies and procedures are available for access by any interested person." Once the notice has been published, a copy should be submitted to the Office of Special Education Programs (OSEP).

Enclosed are grant awards for funds currently available under the Department of Education FFY 2002 Appropriations Act for the Part B Section 611 (Grants to States) and Section 619 (Preschool Grants) programs. These funds are for use primarily in school year 2002-2003 and are available for obligation by States from July 1, 2002 through September 30, 2004. The amount in your award for Section 619 represents the full amount of funds to which you are entitled. However, the amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2002. Of the \$7,528,533,000 appropriated for Section 611 in FFY 2002, \$2,456,533,000 is available for awards on July 1, 2002, and \$5,072,000,000 will be available on October 1, 2002.

The funding formula for the Section 611 program is the same as was implemented for FFY 2000. Subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities. Enclosure A provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure A shows funding levels for distribution of Section 611 funds. Enclosure B provides a short description of how Section 619 funds were allocated and how those funds can be used. In

Page 3 – Honorable D. Kent King

addition, Table II in Enclosure B shows State-by-State funding levels for distribution of Section 619 funds.

These awards are based on submission of a complete eligibility document package, a signed assurance statement regarding resolution of issues identified in OSEP's review of that eligibility document package, and implementation of the provisions of the Individuals with Disabilities Education Act. The complete eligibility document package and assurances must be made available for public inspection.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,

Stephanie S. Lee
Director
Office of Special Education Programs

Enclosures

cc: Ms. Melodie Friedebach